

111TH CONGRESS
1ST SESSION

S. 1088

To authorize certain construction in coastal high hazard areas using assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To authorize certain construction in coastal high hazard areas using assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COASTAL HIGH HAZARD AREAS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “coastal high hazard area” has the
6 meaning given that term in section 9.4 of title 44,
7 Code of Federal Regulations, or any successor there-
8 to; and

1 (2) the term “major disaster” has the meaning
2 given that term in section 102 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5122).

5 (b) AUTHORIZATION.—For an activity in a coastal
6 high hazard area that is otherwise an eligible use of assist-
7 ance under section 404, section 406, or section 408 of the
8 Robert T. Stafford Disaster Relief and Emergency Assist-
9 ance Act (42 U.S.C. 5170c, 5172, and 5174) as a result
10 of damage caused by Hurricane Katrina, Rita, Gustav, or
11 Ike, notwithstanding 9.11(d)(1) of title 44, Code of Fed-
12 eral Regulations, and subject to all other requirements
13 under part 9 of title 44, Code of Federal Regulations—

14 (1) the activity shall be an eligible use of assist-
15 ance under such section; and

16 (2) any new construction or substantial im-
17 provements to structures under such an activity in-
18 volving critical actions shall not be required to ele-
19 vate to the 500-year floodplain, if it would be im-
20 practicable.

21 (c) ADMINISTRATIVE PROCEDURES.—Notwith-
22 standing chapter 5 of title 5, United States Code (com-
23 monly known as the “Administrative Procedure Act”), the
24 Administrator of the Federal Emergency Management

1 Agency shall not be required to promulgate, modify, or
2 amend any regulation to carry out subsection (b).

3 (d) APPLICABILITY.—This section shall apply to any
4 assistance under the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
6 relating to a major disaster—

7 (1) declared on or after August 28, 2005; and

8 (2) relating to Hurricane Katrina, Rita, Gus-
9 tav, or Ike.

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